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10/034,831	12/27/2001	Theresia Lindner	P01,0595	1891

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EXAMINER

NGUYEN, VAN H

ART UNIT PAPER NUMBER

2194

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,831

Applicant(s)

LINDNER ET AL.

Examiner

VAN H. NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Objections

2. Claim 4 is objected to because of the following informalities:

“a *medial* device” should read “a *medical* device”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
5. Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the feature “a completed event report” in claims 1, 6, and 11 as amended by Applicant in the amendment filed November 08, 2004.

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6. The Examiner could not locate the details of the feature "a completed event report" in the specification.
7. Dependent claims 2-5,7-10, and 12-20 are rejected for fully incorporating the deficiencies of their base claims.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. As to claim 2, "said completed event identifier" lacks antecedent basis. Claim 2 has no "a completed event identifier" term that defines or supports the given reference.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 1-3, 6-8, and 11-15 rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's Admitted Prior Art (APA)** in view of **Rangarajan** (U.S. 5,987,514).

13. As to claim 1, APA teaches the invention substantially as claimed including a computerized method, comprising the steps of:

generating (e.g., generated; page 2, lines 20-24), at a managed object (e.g., the managed object; page 2, lines 20-24) which is part of a monitored network (e.g., the network to be monitored; page 1, line 14), a completed event report (e.g., an event report; page 2, lines 20-24) when a set of event detection criteria is satisfied (e.g., the conditions which are defined by event detection criteria are satisfied; page 2, lines 10-14);

marking the completed event report with an identifier if a set of conditions is satisfied (page 2, lines 20-24);

sending the completed event report from the managed object to a first database (page 3, lines 8-9);

checking at the first database if the completed event report comprises the identifier (page 3, lines 10-17); and

APA does teach a completed event report with an identifier is generated by a managed object and is stored in a database of the Network Management Station. APA, however, does not explicitly teach forwarding the completed event report to a second database and storing the completed event report on the second database only if the completed event report comprises the identifier.

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Rangarajan teaches forward forwarding the completed event report to a second database and storing the completed event report on the second database only if the completed event report comprises the identifier (col.4, lines 47-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Rangarajan with APA because Rangarajan's teachings would have provided the capability for efficiently monitoring the network of computing devices through the use of event requests and enabling the network management system to stop the generation and transmission of redundant events.

14. As to claim 2, APA teaches employing a set of conditions that is a subset of the set of event detection criteria as the set of conditions which must be satisfied for marking the report with the completed event identifier (page 2, lines 10-24).

15. As to claim 3, APA teaches monitoring the monitored network with an agent-manager network management system; and configuring an agent which resides on the managed object to generate and send the completed event report to a manager which resides at a Network Management Station which comprises the first database (page 3, lines 1-9).

16. As to claims 6-8, note the rejection of claims 1-3 above. Claims 6-8 are the same as claims 1-3, except claims 6-8 are system claims and claims 1-3 are method claims.

17. As to claim 11, the rejection of claim 1 above is incorporated herein in full. Additionally, APA further teaches a completed event report due to a change in the status of the managed object (e.g., the event report may comprise...the status of the managed object immediately before and after the occurrence of the event; page 2, lines 1-2 and lines 20-24).

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18. As to claim 12, APA teaches generating the completed event report at the managed object when a set of event detection criteria is satisfied (page 2, lines 10-24).
19. As to claim 13, APA teaches marking the completed event report, at the managed object with the identifier if a set of conditions is satisfied (page 2, lines 20-24).
20. As to claims 14-15, they include the same limitations as claims 2-3 above, and are similarly rejected under the same rationale.
21. Claims 4-5, 9-10, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's Admitted Prior Art (APA)** in view of **Rangarajan** as applied to claim 1 above and further in view of **Knapp** (U.S. 5,855,609).
22. As to claim 4, the combination of APA and Rangarajan does not explicitly teaches a medical device.
- Knapp teaches a medical device (e.g., medical device; col.7, lines 10-25).
- It would have been obvious to one of ordinary skill in the art to combine Knapp's teachings in the system of APA as modified by Rangarajan because Knapp's teachings would have provided the capability for increasing flexibility of the network management system as disclosed by APA.
23. As to claim 5, APA teaches employing a set of conditions related to components, the set of conditions which must be satisfied for marking the report with the identifier (page 2, lines 10-24). Refer to discussion of claim 4 above for rejection of the medical device.

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24. As to claims 9-10, note the rejection of claims 4-5 above. Claims 9-10 are the same as claims 4-5, except claims 9-10 are system claims and claims 4-5 are method claims.

25. As to claim 16, it includes the same limitations as claim 4 above, and is similarly rejected under the same rationale.

26. As to claims 17-18, they include the same limitations as claims 12-13 above, and are similarly rejected under the same rationale.

27. As to claim 19, it includes the same limitation as claim 2 above, and is similarly rejected under the same rationale.

28. As to claim 20, it includes the same limitation as claim 5 above, and is similarly rejected under the same rationale.

Response to Arguments

29. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Reder et al (US 6199109) discloses "Transparent proxying of event forwarding discriminators."

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-Allen et al (US 5519863) discloses "Notification forwarding discriminator."

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

32. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

33. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM – 6:00PM. The examiner can also be reached on alternative Friday.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.

36. The fax phone number for the organization where this application or proceeding is

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assigned is 703-872-9306.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).


Any response to this action should be mailed to:

Commissioner for patents

P O Box 1450

Alexandria, VA 22313-1450

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ST. JOHN COURTENAY III
PRIMARY EXAMINER